

Appl. No. 10/645,264
Amdt. dated November 11, 2004
Reply to Office Action of August 20, 2004

REMARKS

In the aforementioned Office communication, each of claims 1-8 and 12 was rejected under 35 U.S.C. 102(b) as being clearly anticipated by the patent to Thompson et al. Claims 9-11 were objected to as being dependent upon a rejected base claim but were indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 9 has been canceled and has been rewritten in independent form as new claim 13 so as to include all of the limitations of the base claim and any intervening claims. Claim 10 has been amended to depend from new claim 13 so that each of claims 13, 10, and 11 are now felt to be in allowable form. Claim 1, upon which each of claims 2-8 and 12 are directly or indirectly dependent, has been amended herein to be patentably distinguishable from the prior art as will be pointed out hereafter.

As will be appreciated from the prior art cited by the examiner, retractable awnings have been structured in many different arrangements for various purposes with some structures simply including pivotally interconnected arms and others including scissors-type linkage. Further, in some structures, the support arms for the awning extend downwardly from the outer edge of the awning sheet for connection to a relatively low location on the support structure particularly in settings where the low mounting of such support arms is not of concern. In other awnings, it is important that the support structure be at an elevated location so that people can walk beneath the awning without interference from the support structure. The present invention falls in the latter category so that when the awning is extended, the support structure, which is of the scissors type, is disposed relatively high on the support surface and immediately

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beneath the awning sheet. Applicant has been able to build such an awning by utilizing the strength acquired from the scissors-type extendable arms and further by providing a vertical guide member on the support surface in which an innermost end of one of the scissors arms can move vertically during extension and retraction of the awning. While the provision of such guide members in awnings in and of itself is not novel, the use of such a guide member with a scissors-type awning is not shown or suggested in the prior art and the unique mounting structure for the awning of the present invention is felt to have obtained many desirable features as a consequence.

The primary reference to Thompson et al., relied upon by the examiner in the original rejection of the claims, discloses a retractable awning but it does not utilize a guide rail. As mentioned previously, guide rails per se are not new to the awning industry as evidenced by the awnings of Thoms, Girton et al., and Davenport. It will be appreciated, however, that none of these awnings utilizes a scissors-type support system and particularly a scissors-type system wherein one of the scissors arms that is operatively secured to the support surface moves along the guide member.

Independent claim 1 upon which claims 2-8 and 12 are directly or indirectly dependent has been amended herein to state that the scissors-type support structure in the awning of the present invention includes a pair of arms operatively secured to the support surface and a pair of vertical guide members secured to the support surface with one of the arms being movably supported on the guide member. It is felt this amendment to claim 1 renders the subject matter thereof patentably distinct from the prior art. The dependency of claims 2-8 and 12 on claim 1 render these claims allowable as well and further due to the fact that the dependent claims recite features

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themselves which further distinguish the awning from the prior art such as the use of a gas spring, batteries associated with the roller for rotating the roller, etc.

There having been no other objections or rejections to the application, it is felt it is now in condition for allowance and such action is courteously requested.

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Respectfully submitted,



Gary M. Polumbus, Reg. No. 25,364
USPTO Customer No. 20686
Tel: (303) 628-1500
Fax: (303) 629-3450
e-mail: polumbus.gary@dorsey.com

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